

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Tuesday, January 2, 2007

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Kochenburger, P. Plante, B. Ryan, G. Zimmer

Alternates present: B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:14 p.m.

Minutes:

12/18/06 – Gardner MOVED, Plante seconded, to approve the Minutes as written.

MOTION PASSED UNANIMOUSLY.

At this time, Holt MOVED, Plante seconded, to add to the agenda under New Business Item #2: Application #1255. MOTION PASSED UNANIMOUSLY.

Old Business:

1. Subdivision Application, Dunham Farm Estate, 3-lots on S. Eagleville/Dunham Pond Roads,

EJK Properties LLC., Applicant, File #1252

Padick stated that the only additional information obtained since the last meeting is a 12-19-06 memo from the Open Space Preservation Committee. Edward Pelletier, of Datum Engineering representing the applicant, indicated that he had no further comments but was willing to answer questions. With no comments from the applicant or commission members, Chairman Favretti asked for public comment.

Charles Mahoney, of 78 Dunham Pond Road and President of the Dunham Pond Association, spoke as a representative of the members of the Association. He expressed their commitment to the preservation of open space, but questioned the Open Space Committee's recommendation to have a fourth trail accessing the same area.

Carole Masters, of 112 Dunham Pond Road and a member of the Dunham Pond Association (D.P.A.), further elaborated on the reasons why the D.P.A. would like to purchase the land for preservation.

Mr. Allinson, of 23 Dunham Pond Road and a member of the D.P.A., submitted a soil survey map and an aerial map of the Dunham Pond area.

Padick clarified for the audience and Commission that the Dunham Farm Association would like to purchase the land and keep it as open space, but they do not wish to have a trail on their property due to liability issues. If the Town owned the open space, the Town would carry the liability.

Jim Morrow, Chairman of the Mansfield Open Space Preservation Committee, elaborated on the memo his committee presented to the Commission. He felt that there would be no

difficulty in controlling erosion if a trail were created, and the wetland crossing is narrow enough for him to step over and so it could easily be bridged.

Larry Armstrong, of 18 Dunham Pond Road, stated he is not a member of the D.P.A., but is concerned about the parking lot for the proposed trail. It will be 90 feet from the front of his property, and he felt opening up another trail head to the public would increase the amount of traffic and have a negative impact on the area. He stated that currently people are parking and leaving trash which he has been cleaning up. He feels uncomfortable with strangers coming and going so close to his home and children. If the trail and parking lot are built, he wondered who will be maintaining the area, and will the trail and parking lot be open to the public at all hours.

Janet Huber, of 83 Dunham Pond Road who owns land abutting the existing trail, is concerned that nobody maintains the existing trail. She also fears that an additional trail access will create a thoroughfare.

Carole Masters feels the D.P.A. is entitled to a reason why the Open Space Preservation Committee is recommending that Joshua's Trust be deeded the land instead of the D.P.A. Padick related that, based on the existing Zoning Regulations, unless the D.P.A. owns the subject open space, the PZC can mandate to whom the open space be deeded. The PZC is not bound by any pre-application approval arrangements that were made between the applicant/owners and the Dunham Pond Association.

Madge Manfred, President of Joshua's Trust, was present to express that the Trust has no particular interest in who holds the easement/dedication, as long as the open space area is preserved and protected. She will meet with the Trust's Board of Directors to see if they would be willing to hold the easement.

Commissioner Zimmer questioned Manfred if Joshua's Trust wanted to create a trail from North Eagleville Road. She indicated that no formal discussion or proposals have taken place about any part of the Dunham Pond area, and that Joshua's Trust has no stand on the topic.

Ken Feathers, of the Mansfield Open Space Preservation Committee, expressed concern with third party owners of land to be dedicated. He felt this would set a precedent for other developers to follow.

There were no further comments from the public and no questions from the Commission. Favretti noted that the Commission agreed by consensus that discussion shall be continued at the January 16th meeting and draft motions be prepared for the February 5th meeting.

Public Hearing Continuation:

PZC-proposed revisions to the Zoning Map and Zoning Regulations, file #907-29
Chairman Favretti called the continued Public Hearing to order at 8:06 p.m. Present were Favretti, Gardner, Goodwin, Hall, Holt, Kochenburger, Plante, Ryan, Zimmer, and Alternate Pociask. Gregory Padick, Director of Planning, mentioned that no additional Public Notice was published in the Chronicle, but noted a 12/14/06 email from C. Hirsch; a 12/18/06 letter handed in at the 12/18/06 Public Hearing from John and Charleen McGill; a 12-19-06 email from Cheryl-Leigh Kusmer; a 12/28/06 report from the Town of Mansfield Open Space Preservation Committee; a 1/2/07 letter from the Mansfield

Conservation Commission; a 12/28/06 letter from Kari Olsen of Murtha Cullina, Attorney representing the Hussey Family; and a 12/28/06 memo from Gregory Padick, Director of Planning.

Padick gave a brief summary of the proposal, and summarized the events of the Public Hearing on 12/18/06. At this time Chairman Favretti opened the floor for any public comment.

Katherine White, of Fort Griswold Lane at Freedom Green, stated that she would like to see the land be kept as open space/farmland, and would rather see the old Mansfield Training School site be utilized to develop housing. She expressed concern for the water supply in this area.

Padick stated that his understanding of the issue, as based on State Statutes, is that zoning for agricultural/open space is not permissible. He also noted that this area of Mansfield has access to water and sewer from Windham.

Alexinia Baldwin, of 3 Charter Oak Square at Freedom Green, reiterated that she is concerned for the safety of pedestrians, bicyclers, and motor vehicles traveling on roads that cannot handle an increase in traffic.

Michael Orenstein, of Charter Oak Square at Freedom Green, expressed his opposition to the proposed zone change and would prefer a professional office or light industrial zone. He feels that the current zoning better serves the community tax base, rather than the potential multi-family housing. Research he has done as a teacher at E.O. Smith High School has shown that it costs \$12,000 per student per year for schooling. To increase housing that has the potential to bring a large amount of children into the community will raise taxes substantially.

Commissioner Holt questioned if he would rather see age-restricted housing. Orenstien indicated he would rather see that because it would not cause overcrowding of the schools and would keep taxes down.

David Nelson, of 14 Griswold Lane at Freedom Green, thought that the age-restricted aspect was good, but the buildings should be unobtrusive. Many residents moved to the area because of the rural community character and the agricultural terrain. He does not want to see that spoiled. If the zone change is made he would rather see the change on Mansfield Avenue rather than Mansfield City Road. He also expressed concern that with the price of oil going up, he feels that development of this type should be close to amenities that can be accessed by public transportation, walking, or bicycling.

Adrienne Marks, of 19 Samuel Lane at Freedom Green, read a letter into the record, (which will be distributed to members) expressing her concern for the safety of the area with the increase of population. She hopes that if approved, there will be enough fire/safety support.

Richard Pfau, of 44 Mountain Road, spoke in favor of the revisions. He feels there is a shortage of low income housing in Mansfield. He said that most new homes are very high end, and as a community we are not addressing the low income-earners who may want to live here. Many people move to Mansfield for the superior education system, and he feels it is unfair to discriminate against low income-earners who want to live here to better their children's education.

Eric Lanka, of 91 Pleasant Valley Road, expressed his concern that between 6:30am and 9:00am the traffic is high volume and fast, and he fears for his safety just exiting his own driveway. He feels the road needs to be widened and possibly a traffic light installed at the intersection of Pleasant Valley and Route 32.

Ken Feathers, of Gurleyville Road, expressed the need for walking access to facilities or public transportation to accommodate low income families who may not have vehicles.

Carolyn Stearns, of 440 Mansfield City Road, felt that the farmland shouldn't be developed, reminding the Commission that Buckland Hills were once a farming community. She doesn't see why the zone should be changed. She expressed concern for farmers such as her family (Mountain Dairy) who can't afford to buy more land because of the increasing price of land for development. She would rather keep the agricultural feel of Mansfield. She also said that the school system is already approaching capacity, and any additional housing would put an additional strain on the system.

When Commissioner Holt questioned Stearns if her family has the need for extra land, Stearns stated that currently they are renting land in the area and as far away as Windham, and are paying for the trucking to and from the outlying areas. They would prefer to rent land closer to home.

Attorney Kari Olsen, representing the Hussey Family, indicated that she submitted a 12/28/06 letter. Her clients own the most significant portion of land that potentially will be affected. She offered herself available to those with questions or comments.

Sandra Roth, of 9 Liberty Drive at Freedom Green, asked Padick to explain the procedure if someone proposes any development. Padick summarized the process.

Adrienne Marks, of 19 Samuel Lane at Freedom Green, felt that extensive planning should be done prior to any development.

Commissioner Goodwin questioned Stearns if in her experience any new housing owners complained about the farming. Stearns indicated that they have received complaints about the smell of manure, and that they can no longer walk the cows out to the pasture because of the traffic and speed of cars traveling on the roads. Stearns responded to Zimmer's question about saving 50% of land for farming, that she would be happier with housing, if 50% were kept farmland, rather than industrial. She is fearful of the pollutants that industrial enterprises would contribute.

Commissioner Holt questioned Stearns if she was aware of the Right to Farm Ordinance. Stearns indicated she is, but people still will always complain about the smell.

Jean Meddick, of 7a Charter Oak Square, would like to see the agricultural land preserved.

Favretti noted that there were no further comments from the public or questions from commission members. Hall MOVED, Gardner seconded, to close the Public Hearing at 9:01 p.m. MOTION PASSED UNANIMOUSLY.

Public Hearing Continuation:

Special Permit Application, Proposed Expansion of Gibbs Oil Company gasoline service station/convenience store, 9 Stafford Road, File #404-3

Chairman Favretti called the continued Public Hearing to order at 9:08 p.m. Present were Favretti, Gardner, Goodwin, Hall, Holt, Plante, Ryan, Zimmer, and Alternate Pociask. Commissioner Kochenburger disqualified himself, and Favretti appointed Alternate Pociask to act. Gregory Padick, Director of Planning, mentioned that no additional Public Notice was published in the Chronicle. Padick noted the following supplemental information that has been submitted since the previous Public Hearing was held: a revised landscape Management Plan dated 12-11-06 with a cover letter dated 12-26-06; a 12-28-06 memo from Gregory Padick, and neighborhood notification certified return receipts submitted at tonight's meeting.

Attorney Mark Branse, representing the applicant, presented background information on the previous application and the reason for its withdrawal. Branse indicated that the applicant has no objections to any of the current staff recommendations or the \$5,000 bond. He indicated that they have researched and found other sites with similar characteristics that had the same use as the proposed Gibbs expansion. The comparable attributes they were looking for were traffic volume, same number or more pumps, drive-thru lanes, and square footage. They found two comparable locations, one in Norwich off of Interstate 395, and one in Plymouth, Massachusetts. Both are comparable to the traffic of this location.

Alan Micale, of Ayoub Engineering, gave a brief summary of the proposed expansion of the 40,000 square foot site, including a 1,908 square foot building with a rear drive-thru window, new underground storage tanks, pump relocation with no increase in pump numbers, entrance only and exit only driveways, long term employee parking with patron parking behind it, decorative fencing along the property line, landscaping between the exit and entrance driveways with low lying vegetation to maximize visibility, and landscaping and layered sections of retaining walls to the rear of the site. Route 32 will be striped for a left-turn lane.

The Assistant Town Engineer's memo stated that employees should be able to exit via the drive-thru lane. Micale disagreed indicating that the turning radius would be very difficult when trying to get into that lane.

Bruce Hillson, of Traffic Engineering Solutions, highlighted significant changes and impacts. There will be potentially 143 cars entering the site at the peak hour in the morning. The driveways are proposed to be one-way and will be narrowed from 50 feet to 24 feet. The State D.O.T. is requiring that northbound traffic have a by-pass lane, which will allow traffic to continue north even when patrons are turning left into the site. The island between the one-way driveways will have 6" curbing and low lying vegetation to maximize sightlines, the pump direction will be in line with cars pulling into the site, and 10 cars can stack at the drive-thru window before the traffic will back up onto Route 32 (Stafford Road). He also indicated that exiting of the employee area via the drive-thru is not recommended. He feels that all cars leaving the site will be safer, because there will no longer be crossing maneuvers with the proposed one-way entrance/exit system.

Branse indicated that the proposed sign will be one foot smaller than the existing sign, and he would not want to see it any smaller than that. The hours of operation would stay the same as it is now, 24 hours daily, the lighting installed will be no glare/no spill lighting, and the landscaping and fence buffering will minimize any headlights shining into the neighborhood of Buckingham Road.

Holt asked Hillson to summarize the information in the traffic report that relates the 2 chosen sites to the Gibbs site on Stafford Road, and explain why the Plymouth and Norwich sites are considered comparable.

Hall questioned the traffic impact where Pleasant Valley Road meets Route 32 in front of the gas station. He also questioned how the cars will maneuver around the tanker when it comes to fill. Branse indicated that Gibbs controls when the tanker comes, and will schedule it for off-peak hours.

Plante questioned why they chose the Norwich Site, and not the Mobile on West Main Street. He indicated that the two sites are similar, and the entrance/exit only signs at the site on West Main Street have been knocked over and not fixed. Plante questioned what is to stop that from happening here. Branse indicated that the Gibbs Company maintains its property and would ensure with the bonding requirements that such issues as these are addressed.

Favretti noted that the Landscape Management Plan is not complete, and that no information has been provided for mowing, trimming, mulching and weeding. Branse indicated that he thought the Town only required information for the chemicals and fertilizers, but will comply and submit a revised and complete Landscape Management Plan.

Zimmer questioned where the snowplow would deposit snow if there was a large snow fall. The applicant indicated that Gibbs will truck the snow out if it becomes too much, but the landscaped area can hold snow that is plowed into it. He also questioned how the tanker would make a left-hand turn into the site if coming north on Route 32. The applicant indicated again that they control what route is taken and when, and that it will be scheduled in off-peak hours and it will be traveling in from the southbound lane of Route 32.

Goodwin questioned why the locations that were studied were so far away. Why not use similar size or larger sites in Willimantic where the traffic patterns and driving habits would be similar. Hillson indicated that they randomly choose these sites because of the similar amenities and high traffic counts that are comparable to this site.

Pociask questioned the speed of traffic on Route 32, especially heading north from the highway (Route 6). He mentioned that the traffic at the site in Norwich is not comparable, because people are moving much slower in the Norwich area because of all the lights and businesses. The Gibbs site is in a residential area, and cars here are traveling quite fast. He questioned if the I.T.E. takes in consideration the speed limit? Hillson answered no.

Andy Belane of Gibbs told the Commission that Gibbs controls when deliveries for oil and donuts would be coming in, and typically they are scheduled for early a.m. before the peak morning rush.

Gardner questioned about fire apparatus accessing the site, and Branse indicated that the plans have been reviewed by the Fire Marshal, who approved them.

Pociask had questions about the tanker filling location and when a tanker was parked, how would cars get around it, and how would people access the drive-thru. Belane indicated that on average the gas station would get 3 deliveries of gas a week, which would all be scheduled at off-peak times to prevent stacking problems, and cars could easily go around the tanker to get to the drive-thru lane via the pump lanes.

At this time, Chairman Favretti opened the floor to any audience members who may have questions or comments.

Eric Lanka of 91 Pleasant Valley Road questioned if there will be a left-hand turn lane and a by-pass lane. Hillson indicated on the maps that these lanes are proposed.

Michael Landeck of 30 Stafford Road expressed concern that the comparisons are flawed, because neither site is in a residential area as this one is. Traffic in the two comparison sites is moving much slower because of stop and go lights. He is also concerned about the exhaust of idling cars in a residential area.

Eugena Snyder of 22 Buckingham Road is concerned for Pleasant Valley Road traffic exiting onto Route 32. She also feels that the two chosen sites are not fair comparisons. Randy Semagin of 3 Woods Road expressed concern for the safety of the residential area. He feels the increase in traffic is not beneficial, and that the Commission should preserve the quality of the existing area. He asked that if approved, the Commission take into consideration these conditions: the site lighting to be full spectrum (no glare and not too blue), requiring a plain canopy (without signs), and full vapor recovery requirements (when filling tanks).

Betsy McCoach of 14 Stafford Road lives directly across from the site. She asked for clarification on what the peak flow is now, and what they anticipate it to be. The applicant's engineer said that currently the number of cars at today's peak hour is between 30 to 40 cars, and as proposed the peak hour would bring about 120 to 140 cars. McCoach expressed concern for the safety of the residents because of the increased traffic coming in and out of the site. She would like to see a traffic light incorporated into the plan.

Eugene Kessler of 20 Buckingham Road is very concerned with the traffic and the safety at this site. He feels the road should be expanded to accommodate the traffic increase.

Lisa Synkowski of 17 Buckingham Road is concerned with the turning lane, and the northbound lane from the Route 6 highway that starts as two lanes then merges to one lane. The traffic even now is too heavy and too fast for side road residents to get onto Route 32, and about every month there is an accident at the site.

Jean Meddick of 7a Charter Oak Square at Freedom Green doesn't feel the expansion of the gas station is in the best interest of the community.

Pociask asked the applicants if they could submit a plan with the footprint of the tanker in the area of refueling so the Commission could visualize the area left for vehicular passage. He also noted that this is currently a single lane area, and if given a by-pass lane, traffic may only speed more. Branse responded that the D.O.T. requested the change of having a dedicated left-turn lane and a by-pass lane.

Favretti noted that there were no further comments from the public or Commission members. Branse, on behalf of the applicant, gave the extension enabling the Planning

and Zoning Commission to extend the Public Hearing. At which time the information regarding tanker filling location and a complete Landscape Management Plan will be ready for the Commission. Plante MOVED, Gardner seconded, to continue the Public Hearing to January 16, 2007. MOTION PASSED UNANIMOUSLY.

Old Business Continued:

Zoning Agent's Report

Hirsch updated the Commission that there has been no change at the Hall site. He also noted that the application that the ZBA acted on, regarding the show room expansion at 213 Stafford Road, is required to come to the PZC.

Subdivision Application, Bennett Estates, 3 lots on Ash Street/South Frontage Road, D+S Properties LLC., o/a, File #1253

Hall MOVED, Holt seconded, to approve with conditions the three lot subdivision application (file #1253), of D&S Properties LLC., for Bennett Estates, on property owned by the applicant, located on Ash Street and South Frontage Road, in an R-20 zone, as submitted to the Commission and shown on plans dated September 12, 2006 as revised to December 12, 2006.

This approval is granted because the application, as hereby approved, is considered to be in compliance with the Mansfield Zoning and Subdivision Regulations. Approval is granted with the following conditions:

1. Final plans shall be signed and sealed by the responsible surveyor and engineer.
2. Pursuant to subdivision regulations, particularly Sections 7.5 and 7.6, this action specifically approves the depicted Building Area and Development Area Envelopes and authorizes setback waivers for lots 2 and 3. Unless revisions are specifically approved by the Commission, the depicted Building Area Envelopes shall serve as the setback lines for all future structures and site improvements, pursuant to Article VIII of the Zoning Regulations. This condition shall be specifically noted on the plans (replacing note 6 on sheet 2) and specifically Noticed on the Land Records.
3. Prior to the issuance of a Zoning Permit for lot 3, specimen trees identified on the final plan to be saved shall be specifically protected by a suitable barrier as determined by the Zoning Agent. This requirement shall be noted on the final plans and Noticed on the Land Records.
4. The final plans shall incorporate the following revisions:
 - A. A mistakenly labeled width on the depicted emergency vehicle turnaround detail shall be corrected.
 - B. The lot 3 label on Sheet 2 shall be relocated onto lot 3.
5. The depicted water line extension and fire hydrant shall be installed in accordance with Town of Windham standards (see 12/13/06 letter from J. Hooper).
6. The depicted common driveway to serve adjacent lots shall be constructed as per approved plans prior to the issuance of a Certificate of Compliance for any of the three lots to be served.
7. The Commission, for good cause, shall have the right to declare this approval null and void if the following deadlines are not met (unless a ninety (90) or one hundred and eighty (180) day filing extension has been granted):

A. All final maps, including submittal in digital format, a right of way deed for land along Ash Street, and a Notice on the Land Records to address conditions 2 and 3 (with any associated mortgage releases) shall be submitted to the Planning Office no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days of any judgment in favor of the applicant;

B. All monumentation with Surveyor's Certificate, shall be completed or bonded pursuant to the Commission's approval action and Section 14 of the Subdivision Regulations no later than fifteen days after the appeal period provided for in Section 8-8 of the State Statutes, or, in the case of an appeal, no later than fifteen days, of any judgment in favor of the applicant. MOTION PASSED UNANIMOUSLY.

Request for site modification, driveway at 452 Storrs Road, Home Selling Team, File #510-2

Padick updated the Commission that all alternate proposals have been approved by the Fire Marshal and E.H.H.D. The Assistant Town Engineer has some concerns for the wetlands. Padick indicated that he feels proposal E is the most appropriate alternative to Dilaj's original proposal. The consensus of the Commission is that proposal E is the best, and asked Padick to draft a motion. Commissioner Hall suggested that the State D.O.T. reprogram the light at the junction of Route 195 and Bassett's Bridge Road to alleviate some of the stacking of cars on Bassett's Bridge Road.

Proposed rezoning from R-20 to PB-1, 93 Conantville Rd, B. & C. McCarthy, o/a, File #1254

Item tabled – Public Hearing is scheduled for 1/16/07.

Bonding/Subdivision Issues:

Items a-f are tabled.

G. Sawmill Valley Estates, File #1228

Holt MOVED, Ryan seconded, that the Planning and Zoning Commission authorizes the Director of Planning to take appropriate action to release bond funds held for common driveway work in the Sawmill Valley Estates Subdivision File #1228. MOTION PASSED UNANIMOUSLY.

8-24 Referral Proposed acceptance of Jackson Lane-File #1231

Item tabled.

Presentation by Earth Tech on Four Corners Area Sewer Study

Item tabled- Presentation is scheduled for 1/16/07.

Potential Revisions to PZC/IWA Fee schedule

Item tabled.

Presentation by Paula Stahl from the Green Valley Institute on Open Space Subdivisions
Padick updated the Commission that he has met with Paula Stahl, and she has indicated that she will be ready for a presentation for February or March. Padick indicated that the PZC's schedule indicates that March would be best. Item tabled.

New Business:

Review of water supply requirements-DMR, ARH & PRD Zones.

Padick briefly summarized the memo and indicated that this should be referred to the Regulatory Review Committee.

Special Permit application, J. Luczak, Efficiency Unit, 920 Storrs Road, File #1255

Holt MOVED, Gardner seconded, to receive the Special Permit application (File #1255) submitted by James .J. Luczak for a single-family residence with an efficiency unit, on property located at 920 Storrs Road owned by Ruth Crosby, as shown on plans dated 11-20-06, and as described in other application submission, and to refer said application to the staff for review and comments, and to set a Public Hearing for February 5, 2007.
MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Favretti noted Alternate Carl Kusmer's resignation from the Planning and Zoning and Inland Wetlands Commission. He thanked him for his service and wished him well.

Communications and Bills:

The agenda items were noted.

Adjournment:

Favretti declared the meeting adjourned at 11:21 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary